

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SETH BASIL COLCHESTER,

Petitioner,

v.

JEWEL LAZARO,

Defendant.

CASE NO. C20-1571-JCC

ORDER

This matter comes before the Court *sua sponte*. In preparation for the remote hearing scheduled in this matter, which will commence February 22, 2021 at 9:30 a.m., (*see* Dkt. Nos. 60, 61), the Court ORDERS the parties and witnesses to abide by the following procedures and protocols:

A. Hearing format

- The entire proceeding will take place using the ZoomGov.com platform. The parties, counsel, and witnesses will not be physically present in the courtroom.
- The public will have access via a link published on the Court's calendar.

1 B. Preparation

- 2 • Counsel shall review the tutorials located at
- 3 <https://www.youtube.com/playlist?list=PLQQODreSvdKHWF4JsOIQp8zMJ>
- 4 [Mt9ulM-2](#) and familiarize themselves with:
- 5 ✓ ZoomGov.com
- 6 ✓ Box.com
- 7 ✓ King County CLE modified for federal court
- 8 • Counsel shall ensure that they and each witness have the hardware, software,
- 9 data bandwidth, and internet access required to testify remotely based on the
- 10 minimum system requirements posted at [https://www.wawd.uscourts.gov/](https://www.wawd.uscourts.gov/attorneys/remotehearings)
- 11 [attorneys/remotehearings](#).
- 12 • Prior to the proceeding, counsel for each party must to conduct a technology
- 13 check with *each* witness and counsel appearing in this matter *from the*
- 14 *location* the individual intends to appear from.
- 15 • Counsel for the parties are also to contact the courtroom deputy, Gabriel
- 16 Traber, no later than close-of-business on February 17, 2021 to arrange for a
- 17 technology check with the Court prior to commencement of the February 22,
- 18 2021 proceeding.
- 19 • Counsel shall ensure that parties and witnesses have an alternative means of
- 20 communicating with each other outside the ZoomGov.com platform (such as
- 21 by telephone).

22 C. Record

23

24

- The Court will make a record of the proceeding using a Court-provided court reporter. No portion of the hearing may be recorded or broadcast, in whole or in part, in any fashion by any participant, witness or public observer.

D. Witnesses and Participants

- No later than close-of-business on February 19, 2021, counsel for each party shall e-mail the courtroom deputy at Gabriel_Traber@wawd.uscourts.gov and provide the following information for each party, attorney, or witness who will appear remotely:

- ✓ Name
- ✓ E-mail address
- ✓ Phone number
- ✓ Participant status (party, attorney, or witness)

- The courtroom deputy will supply the invitation link for those participating. When a participant remotely accesses the hearing, the participant will first enter a virtual waiting room. The courtroom deputy will admit participants to the virtual court proceeding from the virtual waiting room.
- Counsel is responsible for notifying witnesses when they are expected to report to the virtual waiting room.

E. Exhibits

- Prior to hearing, exhibits shall be uploaded by counsel to the Box.com website via a link that the courtroom deputy will e-mail to counsel prior to commencing the February 22, 2021 proceeding.

1 ▪ The parties shall upload exhibits in separately-labeled folders, i.e.,
2 “Petitioner’s Proposed Exhibits” and “Respondent’s Proposed
3 Exhibits.”

4 ▪ While the exhibits will be housed on Box.com, they should be
5 presented to the Court during the proceeding using the ZoomGov.com
6 platform.

7 • The courtroom deputy will move each exhibit to the appropriate folder for
8 admitted exhibits as they are admitted.

9 • Two hard copies of the exhibits must be delivered to the Court at the U.S.
10 Courthouse at 700 Stewart Street, Seattle, WA 98101 prior to commencing
11 the proceeding.

12 ▪ Counsel shall complete the attached certification to indicate that
13 uploaded exhibits are identical to exhibits produced and provided to
14 the Court in hard-copy format.

15 • Each witness testifying shall have a hard copy of any exhibit that they will be
16 expected to use or examine during the hearing.

17 F. Professionalism During the Proceeding

18 ▪ Ambient noise protocols:

19 ✓ When the Court, counsel, or a witness is speaking, please avoid
20 interrupting the speaker.

21 ✓ Upon admission to the ZoomGov.com platform, participants shall
22 mute their microphones and activate microphones when directed by
23 the Court (e.g., a witness shall activate the microphone when testifying
24

as shall the examining and defending attorneys during witness testimony).

✓ Any participants using multiple devices in a single workspace to access the hearing should avoid audio feedback issues by only using the microphone and speakers on one device at a time, or utilizing headphones.

✓ To the extent possible, remote participants should conduct themselves in the same way they would if they were physically present in a courtroom. This includes silencing electronic devices other than those necessary for remote participation and generally taking steps to minimize anything in their remote workspace that would distract from the integrity of the proceedings. The Court understands that conducting a proceeding from one's home presents many challenges. Accordingly, the Court directs all remote participants to use best efforts to maintain professionalism in order to conduct a fair and efficient hearing.

- Objections:

✓ Counsel should raise their hand to signal an objection. Once the objection is made, the witness shall stop talking to allow the Court to rule on the objection.

- Disconnection:

✓ In the event that the Court, a party, counsel, witness, or anyone else necessary to the proceedings becomes disconnected from the

remote hearing, the proceeding will stop while the connection is reestablished.

✓ Counsel must ensure that a witness has an alternative means of communicating with counsel (e.g., a telephone) in the event of disconnection.

- Appropriate dress: Parties, witnesses, and counsel are to dress in the same manner as they would in a live courtroom.
- Screen names: When remotely accessing the hearing, remote participants should ensure that their screen name indicates their actual name.

It is so ORDERED.

The clerk is DIRECTED to provide copies of this order to all counsel.

DATED this 28th day of January 2021.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5

6
7 Petitioner,

8 v.

9 Respondent.
10

CERTIFICATION REGARDING
EXHIBITS FOR TRIAL

11 I, _____, declare and certify as follows:

12 1. I am counsel of record for _____,
13 the _____ in this matter, and I am admitted to practice before this
14 Court.

15 2. During trial, either I or an individual in my law firm will use the software
16 program(s) or platform(s) known as _____
17 _____ to publish exhibits to the jurors, using the “screen share”
18 function in the ZoomGov.com platform.

19 3. Based on my personal knowledge, I declare and certify that the exhibits
20 electronically stored for use in connection with the software program(s) or platform(s)
21 identified in Paragraph 2, above, are identical to the exhibits uploaded into the Box.com
22 folders created and maintained by the Court for this trial.
23

1 4. Based on my personal knowledge, I also declare and certify that the
2 courtesy hard copies of exhibits provided to the Court are identical to the exhibits uploaded
3 into the Box.com folders created and maintained by the Court for this trial.

4 5. Based on my personal knowledge, I further declare and certify that the
5 copies of any exhibits provided to witnesses for use during their testimony are identical to
6 the exhibits uploaded into the Box.com folders created and maintained by the Court for
7 this trial.

8 I declare under penalty of perjury under the laws of the State of Washington, and I
9 certify pursuant to Federal Rule of Civil Procedure 11, that the foregoing is true and correct.

10 DATED this ____ day of February, 2021.

11
12 _____
13
14
15
16
17
18
19
20
21
22
23